

MINUTES OF THE
DEVELOPMENT REVIEW COMMISSION
MARCH 23, 2010

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission Present:

Vanessa MacDonald, Chair
Mike DiDomenico, Vice Chair
Tom Oteri
Stanley Nicpon
Dennis Webb
Peggy Tinsley
Mario Torregrossa
Paul Kent (in audience)

Commission Absent:

Monica Attridge

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Lisa Lathrop, Admin. Asst. II
Catherine Hollow, Transit Studies
Decima Sever, Development Services Liaison (Study Session only)

Chair MacDonald called the meeting to order at 6:20 p.m., which included the introduction of the Commission and staff. It was determined at Study Session that Item Nos. 2 and 5 would be heard, Item Nos. 3 and 4 would be continued to the April 13th meeting and Item No. 7 would be approved on the Consent Agenda. Decima Sever, Development Services Liaison, also gave a brief presentation at Study Session on the Maple/Ash Community Plan.

1. **CONSIDERATION OF MEETING MINUTES: 2/09/10, 2/23/10**

On a motion by Commissioner DiDomenico and seconded by Commissioner Tinsley, the Commission with a vote of 6-0 (Commissioner Nicpon abstained), approved the minutes of the February 9, 2010 hearing.

On a motion by Commissioner Webb and seconded by Commissioner Torregrossa, the Commission with a vote of 4-0 (Commissioners DiDomenico and Nicpon abstained) approved the minutes of the February 23, 2010 hearing.

CONSENT AGENDA

On a motion by Commissioner DiDomenico and seconded by Commissioner Tinsley, the Commission with a vote of 7-0 approved the Consent Agenda as follows:

3. Request for **FRY'S FUELING CENTER (PL090086)** (Tempe School District 3, property owner; Daniel Filuk, KDF/JMS Architects, applicant) consisting of a single-story 5000 square foot canopy and fuel service facility with kiosk, on a portion of 10.596 net acres, located at 3255 South Rural Road in the PCC-1, Planned Commercial Center District. The request includes the following:

DPR09226 – Development Plan Review including site plan, building elevations and landscape plan.
ZUP09170 – Use Permit for retail fuel sales.

STAFF SUMMARY: [DRCr_Fry'sFuel_032310.pdf](#)

THIS CASE WAS CONTINUED TO THE APRIL 13, 2010 MEETING

4. Request by **LAKE COUNTRY VILLAGE (PL090467)** (Paul Berkowitz V.P., LCV Property Inc., owner; Paul E. Gilbert, Beus Gilbert PLLC, applicant) for a redevelopment of the shopping center to include approximately 215,200 sf. of commercial, approximately 728,000 sf. of multi-family residential (430 dwelling units) and approximately 315,000 sf. of office, or 1,258,200 sf combined building area, not including structured parking. The 25.45 acre site is located at 1030 East Baseline Road and is within the PCC-2, Planned Commercial Center General District. The request includes the following:

PAD10003 - (Ordinance No. 2010.08) Planned Area Development Overlay to establish development standards for building height, sideyard building setback and vehicle parking quantity.

ZUP10018 - Use Permit to allow residential land use in the PCC-2, Planned Commercial Center General District.

STAFF SUMMARY: [DRCr_LakeCountryVillage_032310.pdf](#)

THIS CASE WAS CONTINUED TO THE APRIL 13, 2010 MEETING

7. Request for changes to the **SIGN ORDINANCE (PL100056)** (Development Services, applicant) consisting of Zoning and Development Code amendments for way-finding signs, an extension of temporary sign allowances and to allow temporary banners to lease vacant space. The request includes the following:

ZOA10001 (ORDINANCE NO. 2010.05) – Code Text Amendment for Section 4-903 Permitted Signs, to include banners to lease vacant space; 4-903(M), Lead-In Signs; 4-903(P), For Sale, Lease or Rent Signs; 4-903 (R)(2), Significant Event Signs; and 4-905, Way-Finding Signs.

STAFF SUMMARY: [DRCr_SignOrdinance_032310.pdf](#)

THIS CASE WAS RECOMMENDED FOR APPROVAL

REGULAR AGENDA

2. Appeal of the January 19, 2010 Hearing Officer's Decision to approve the request by the **RESIDENCE AT 16 EAST 15TH STREET (PL090003)** (Charles Huellmantel, applicant) located at 16 East 15th Street in the R1-6, Single Family Residential District. The request includes the following:

UPA10003 – Use Permit appeal (ZUP09182) to allow an accessory building above fifteen (15) feet in height, not-to-exceed thirty (30) feet in height (new two story accessory building).

STAFF SUMMARY: [DRCr_16_E_15th_032310.pdf](#)

This case was presented by Steve Abrahamson and the appellants, Phil Hedrick and Catherine Gorman, who provided a written request for the appeal and for a continuance.

After a brief presentation of the case by Mr. Abrahamson, the Commission considered all evidence in the request by the appellants for a continuance and decided it would be in the best interest of the appellants, as well as the applicant, to hear the case so that it may move through the process in a timely fashion.

Mr. Huellmantel made a brief presentation which included his objection to the continuance. He indicated that any decision made could result in an appeal to City Council and he wanted to see this process proceed as quickly as possible. He also stated that the appellants do not object to the guest quarters, but as to the location of the guest quarters, which would be addressed at the Board of Adjustment hearing on March 24th. Mr. Huellmantel's presentation included several design modifications that were made as a result of concerns raised by the appellants. These modifications included the relocation of an outdoor kitchen area and staircase.

Chair MacDonald opened the hearing for public input, seeing no one in the audience who wished to speak on this case, closed the hearing.

Commissioner Nicpon suggested that the CMU wall and windows required by the Hearing Officer be stricken from the Conditions of Approval.

On a motion by Commissioner Nicpon and seconded by Commissioner Oteri, the Commission with a vote of 6-1 (Commissioner Torregrossa opposed) denied the appeal of the Use Permit and modified the following Conditions of Approval:

1. ~~The windows on the north elevation and northern most east elevation of the structure to be opaque material on the first and second story. DELETED BY THE COMMISSION~~
2. ~~Applicant is to submit to the Development Services staff for review either a revised floor plan to move the outdoor entertainment area to the south side of the building or retain the existing floor plan and add a six (6) ft wall along the north elevation extending a minimum of twenty (20) feet east of the structure. DELETED BY COMMISSION.~~

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5. Request for **T30 LLC CANAL GATE REMOVAL (PL090484)** (John M. Earl, T30 LLC, owner; Brandi Decker, Trident Security Services, Inc., applicant) to eliminate existing condition of approval # 9 from the Site Plan (SIP-99.67) for Broadway Office Plaza in order to remove an existing gate between the site and the Tempe Canal. The 0.49 acre site is located at 2085 South Cottonwood Drive in the R/O, Residential/Office District. The request includes the following:

DPR09243 – Development Plan Review including site plan.

THIS CASE WAS CONTINUED FROM THE FEBRUARY 9, 2010 MEETING

STAFF SUMMARY: [DRCr_T30llcCanalGate_032310.pdf](#)

This case was presented by Kevin O'Melia and represented by Lisa Kantarowski, Trident Security/applicant.

Ms. Kantarowski made a brief presentation which included their reasons the gate should be permanently closed. She also indicated they had cost estimates to have the gate relocated at their expense, but the neighbors adjacent to this development do not wish to have the gate relocated to the public alley between Trident and the residences. Ms. Kantarowski also indicated that by moving the gate into that alley way, they would be moving the problems into the neighborhood.

Chair MacDonald opened the hearing to public input.

Two citizens who live adjacent to the property both spoke against relocation of the gate. Wendy Marshall, liaison to Broadway Palms neighborhood association, also spoke against relocation of the gate. She also indicated that since she has been in contact with the Police Department and has been made aware of the issues regarding that gate, she is now for the permanent closing of that gate on the Trident property.

Chair MacDonald closed the hearing to public input.

On a motion by Commissioner Nicpon and seconded by Commissioner Torregrossa, the Commission with a vote of 7-0 approved this Development Plan Review with the following modified conditions:

1. Complete ~~gate removal and re-installation of matching fence section~~ **concrete walkway removal and repaint of gate to match existing fence** by June 21, 2010 or the Development Plan approval will expire. **MODIFIED BY THE COMMISSION**
2. ~~Prior to fabrication, submit fence shop drawings to Building Safety for building and planning plan check approval. Match height and detail of fence section that replaces gate to that of existing fence.~~ **REMOVED BY THE COMMISSION**

~~6. Request for WASH WIZARD AUTO SPA (PL100052) (Sam Hanna, owner/applicant) consisting of a 5,554 sf. building currently under construction, on approximately 0.42 acres, located at 1845 East University Drive in the PCC 1, Planned Commercial Center Neighborhood District. The request includes the following:~~

~~DPR10026 — Development Plan Review for exterior color modifications.~~

~~STAFF SUMMARY: [DRCr_WashWizard_032310.pdf](#)~~

THIS CASE WAS PULLED FROM THE AGENDA

8. **ANNOUNCEMENTS – None**

The hearing adjourned at 7:00 p.m.

Prepared by: Lisa Lathrop, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Development Services Manager



Lisa Collins, Deputy Development Services Manager